

Reclamation (Reclamation) intends to prepare a programmatic environmental impact statement (PEIS) for implementing provisions of the legislation authorizing the Yakima River Basin Water Enhancement Project (Enhancement Project). The purpose of the Enhancement Project is to meet the competing needs of the Yakima River basin through improved water conservation and management, and other appropriate means. This may include reducing water diversions by improving conveyance, distribution, and onfarm irrigation facilities; and changing operations, management, and administration of Yakima River basin water. Conserved water will be used to increase instream flows and provide a more stable irrigation supply. The Enhancement Project legislation also authorizes actions on the Yakima Indian Reservation to benefit the members of the Yakima Indian Nation.

**FOR FURTHER INFORMATION CONTACT:** Mr. Cline Sweet, Environmental Program Manager, Upper Columbia Area Office, Bureau of Reclamation, PO Box 1749, Yakima, WA 98907-1749; telephone (509) 575-5848.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Federal involvement in the Yakima River basin began in 1905 with authorization of the first facilities of the Yakima Project. The Yakima Project now consists of seven divisions: A storage division consisting of seven reservoirs and six water service divisions with separate diversion, conveyance, and distribution facilities.

The Yakima River basin is highly dependent upon water from the Yakima River and its tributaries to meet a multitude of economic, environmental, and societal needs. The Yakima Project provides the primary facilities for the regulation and use of basin waters.

Congress first authorized a study of the Enhancement Project in 1979. Phase one of the Enhancement Project was implemented in 1984 when Congress authorized the Secretary of the Interior, through Reclamation, to construct fish passage and protective facilities in the Yakima River basin. The work was performed in partnership with the Bonneville Power Administration, the State of Washington, and others under the auspices of the Fish and Wildlife Program of the Northwest Power Planning Council.

The Columbia River Basin Fish and Wildlife Program adopted by the Northwest Power Planning Council in 1982 identified the Yakima River basin as one of the areas with the greatest

potential for the production of salmon and steelhead. With the existing project facilities and operational requirements, maintaining a stable irrigation water supply and instream flows for the maintenance and enhancement of salmon and steelhead in the Yakima River basin is difficult to achieve.

In dry years, the water supply available is allocated among the water users pursuant to entitlements set forth in a Federal District Court Judgment of January 31, 1945 (1945 Consent Decree). The 1945 Consent Decree requires reductions in the water supply available to junior water right holders before any reductions to senior right holders. Additionally, a Federal Court directive on November 28, 1980, requiring Reclamation to make releases from Yakima Project reservoirs to assure adequate instream flows for anadromous fish spawning and rearing further reduces the reliability of irrigation water supplies.

##### **Current Activities**

The Enhancement Project legislation established the Yakima River Basin Water Conservation Program which is central to balancing the competing demands on the basin's water supply. This voluntary program will reduce demands on the available water supply by promoting conservation measures to improve:

- The efficiency of water delivery and use.
- Instream flows for fish and wildlife.
- The reliability of the irrigation water supply.

The actual measures that will be adopted depend on the preparation of water conservation plans detailing what can be done. Cost effectiveness will be considered and separate NEPA compliance will be completed when recommending water conservation actions for implementation. The water conservation measures will occur in steps over a period of years providing the opportunity to monitor, evaluate, and adjust subsequent measures.

The legislation also directs the Secretary of the Interior to establish a conservation advisory group, in consultation with the State of Washington, the Yakima Indian Nation, the Yakima River basin irrigators, and other interested parties. A charter for the group has been drafted and nominees are being sought.

The legislation was developed by a consortium of local, tribal, State, and Federal entities involved with water resource activities in the basin and is the result of a consensus building effort to structure an acceptable, comprehensive approach to the basin's

water problems. An extensive scoping effort will be conducted by mail along with public scoping sessions which will be scheduled at a later date.

##### **Alternative Measures**

The PEIS will serve as an umbrella document to ensure that the interaction and cumulative effects of all activities proposed for implementation under Title XII of the Act of October 31, 1994 (Pub. L. 103-434), which authorized the Enhancement Project, are addressed. The provisions and measures for the legislation will set the limits on activities to be evaluated in the PEIS.

Two major alternatives are being considered: action, i.e., implementing the legislation, and no action. The action alternative will be an incremental analysis showing impacts at different levels of implementation of project components. Separate NEPA analyses addressing various alternatives will be conducted for site specific actions not covered in sufficient detail in the PEIS.

##### **Potential Federal Action**

Reclamation is seeking funding to implement Public Law 103-434. The draft PEIS is expected to be completed in June of 1996.

Anyone interested in more information concerning the study, or who has information concerning the study or suggestions as to significant environmental issues, should contact Mr. Sweet as provided above.

Dated: April 27, 1995.

**John W. Keys, III,**

*Regional Director, Pacific Northwest Region.*

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## **INTERSTATE COMMERCE COMMISSION**

[Docket No. AB-55 (Sub-No. 506X)]

### **CSX Transportation, Inc.— Abandonment Exemption—in Fannin County, GA**

CSX Transportation, Inc. (CSXT), has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 14.23 miles of rail line extending between milepost LKX-382.47 at McCaysville and milepost LKX-396.7 at Blue Ridge, in Fannin County, GA.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local

government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on June 22, 1995 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>3</sup> must be filed by June 2, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by June 12, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental

assessment (EA) by May 26, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: May 16, 1995.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

**Vernon A. Williams,**

Secretary.

[FR Doc. 95-12554 Filed 5-22-95; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Settlement Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on May 15, 1995 a proposed Joint Stipulation And Order of Dismissal in *United States v. Jeffrey M. Kanter and Kanter Cars, Inc.* Civil Action No. 1:95 CV 1073 was lodged with the United States District Court for the Northern District of Ohio. This Joint Stipulation And Order of Dismissal represents a settlement of claims against Jeffrey M. Kanter and Kanter Cars, Inc. for violations of the Clean Air Act.

On May 15, 1995, the United States filed a Complaint pursuant to Sections 204 and 205 of the Clean Air Act ("CAA" or "the Act"), 42 U.S.C. 7523 and 7524, for injunctive relief and assessment of civil penalties against Jeffrey M. Kanter and Kanter Cars, Inc. The Complaint alleged that Jeffrey M. Kanter and Kanter Cars, Inc. violated CAA Section 203(a)(1), 42 U.S.C. 7522(a)(1), by manufacturing and selling Citroen 2CV based automobiles which were not covered by certificates of conformity issued under CAA Section 206(a), 42 U.S.C. 7525(a). The United States, Jeffrey M. Kanter, and Kanter Cars, Inc. have reached a settlement which resolves the issues set forth in the Complaint. Under this settlement, Jeffrey M. Kanter and Kanter Cars, Inc. will pay the United States a civil penalty of \$4800.00.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Joint Stipulation And Order of Dismissal.

Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Jeffrey M. Kanter and Kanter Cars, Inc.*, D.J. ref. 90-5-2-1-1870A.

The proposed Joint Stipulation And Order of Dismissal may be examined at the Office of the United States Attorney, Northern District of Ohio, 1800 Bank One Center, 600 Superior Ave., Cleveland, OH 44114-2600 and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. A copy of the proposed Joint Stipulation And Order of Dismissal may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of \$2.00 (25 cents per page reproduction costs) payable to the Consent Decree Library.

**Joel M. Gross,**

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

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## LIBRARY OF CONGRESS

### Copyright Office

[Docket No. 95-5]

### Request for Comments on the Waiver of Moral Rights in Visual Artworks

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Notice of hearing and request for public comment.

**SUMMARY:** The Copyright Office is holding a public hearing to solicit comments on the effect of the waiver of moral rights provision of the Visual Artists Rights Act of 1990 (VARA). Section 608 of VARA requires the Copyright Office to study the effect of VARA's waiver provision and to publish its findings. To fulfill the statutory obligations of section 608, the Copyright Office is examining the extent to which authors waive moral rights in their visual artworks under the waiver provision. The Office also will accept written comments.

**DATES:** The public hearing will be held on Wednesday, June 21, 1995, from 10:00 a.m. to 4:00 p.m. Requests to present oral testimony at the hearing should be received on or before June 16, 1995. Written comments by those persons testifying at the hearing should

<sup>1</sup> A stay will be issued routinely where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental grounds is encouraged to file promptly so that the Commission may act on the request before the effective date.

<sup>2</sup> See *Exempt. of Rail Abandonment Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

<sup>3</sup> The Commission will accept late-filed trail use statements so long as it retains jurisdiction.